

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE GENERAL COUNSEL**

Freedom of Information Act Appeal: 2012-14

January 6, 2012

Dari Pogach, Esq.

Dear Ms. Pogach:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a)(2001) (“DC FOIA”), dated November 18, 2011 (the “Appeal”). You (“Appellant”) assert that the Metropolitan Police Department (“MPD”) improperly withheld records in response to your request for information under DC FOIA dated September 27, 2011 (the “FOIA Request”).

Appellant’s FOIA Request sought records related to three separate incidents that resulted in each case in a death. By letter dated October 26, 2011, MPD stated that it could not respond because a response would result in an unwarranted invasion of privacy of the MPD officers involved in the incidents. On November 2, 2011, MPD revised its response and provided certain records, but withheld other records because of pending investigations, stating that Appellant could renew the FOIA Request when the investigations terminated. Appellant appealed based on the October 26, 2011 response of MPD.

In its response, dated December 23, 2011, MPD reaffirmed its position. After receiving the MPD response to the Appeal, Appellant discovered that it had not received the November 2, 2011 revised response of MPD. In consideration of the response, by email dated January 3, 2012, Appellant withdrew the Appeal, reserving its right to renew the FOIA Request upon the termination of the investigations.

Based on the foregoing, the Appeal is hereby dismissed.

Sincerely,

Donald S. Kaufman
Deputy General Counsel

cc: Natasha Cenatus
Ronald B. Harris, Esq.